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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/057,757	01/25/2002	Makoto Tanaka	100809-00163(SCES 19.360)	9537
26304	7590	12/23/2005	EXAMINER SHIFERAW, ELENI A	
KATTEN MUCHIN ROSENMAN LLP 575 MADISON AVENUE NEW YORK, NY 10022-2585			ART UNIT 2136	PAPER NUMBER

DATE MAILED: 12/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/057,757	Applicant(s) TANAKA ET AL.	
	Examiner Eleni A. Shiferaw	Art Unit 2136	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 21 November 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 3-5, 12 and 15 is/are pending in the application.
- 4a) Of the above claim(s) 1, 2, 6-11, 13, 14 and 16 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 3-5, 12, and 15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _ _ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)           |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>12/6 5/5/047/10/03</u> . | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

1. Applicant's election without traverse in the reply filed on November 21, 2005 is acknowledged.
2. Claims 1-2, 6-11, 13-14, and 16 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected inventions, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on November 21, 2005.

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:  
  
The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
4. Claim 4 recites "method" in line 1. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 3-5, 12, and 15 rejected under 35 U.S.C. 102(b) as being anticipated by Probst  
  
Patent Number: 5,982,899.

Regarding claims 3, 12, and 15, Probst discloses a process/method/computer program/computer-readable data storage for use in making an information processing system carry out the jobs of:

reading an original version of management information and an encrypted version of the management information out of the data storage to be verified (claim 1 element a-f; *storing identifier with data, encrypting and storing a copy of the identifier with data, and reading and comparing the unencrypted identifier with data with decrypted copy of the identifier with data for verification*);

decrypting the encrypted version of the management information (fig. 2 element 9, and claim 7 element d; *decrypting encrypted identifier with data*);

comparing the read original version of the management information and the decrypted management information (claim 1 element e; *comparing the unencrypted identifier with data with decrypted copy of the identifier with data for verification*); and

validating the verified data storage when the comparison result indicates that the read original version of the management information and the decrypted management information are in a predetermined relationship with each other (col. 3 lines 8-col. 4 lines 28; *validating the stored data and enabling/granting access to computer system*).

Regarding claim 4 Probst discloses a method, wherein the encrypted version of the management information is encrypted with an encryption scheme using secret key information and the decryption is performed with that secret key information (col. 3 lines 23-27; *DES/secret key encryption*).

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Regarding claim 5, Probst discloses a system for verifying the validity of a data storage having a first storage area for storing an original version of management information and a second storage area for storing an encrypted version of the management information, said system comprising:

a controlling unit adapted to read the original version of the management information and the encrypted version of the management information out of the data storage and control decryption of the encrypted version of the management information (claim 1 element a-f; *storing identifier with data, encrypting and storing a copy of the identifier with data, and reading and comparing the unencrypted identifier with data with decrypted copy of the identifier with data for verification*); and

a comparing unit adapted to determine whether the original version of the management information and the decrypted management information are in a predetermined relationship with each other and validate the data storage when the determination result is affirmative (claim 1 element e, col. 3 lines 8-col. 4 lines 28; *comparing the unencrypted identifier with data with decrypted copy of the identifier with data and if the originally stored data matches the decrypted data enabling the access to the computer system*).

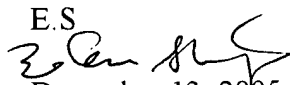
### ***Conclusion***


7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eleni A. Shiferaw whose telephone number is 571-272-3867. The examiner can normally be reached on Mon-Fri 8:00am-5:00pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz R. Sheikh can be reached on 571-272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

E.S.  
  
December 13, 2005

  
Primary Examiner  
Av2131  
12/14/05